

DAVID KAY DECLARATION

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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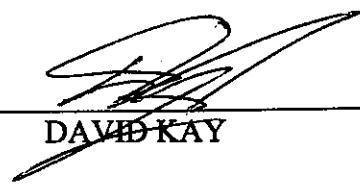
INNA GUDAVADZE, et al., : 08-Civ-3363 (RJS)
Plaintiffs, :
v. : **DECLARATION OF**
JOSEPH KAY, et al., : **DAVID KAY**
Defendants. :
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I, DAVID KAY, am over the age of eighteen, have personal knowledge of, and am competent to testify to, the facts set forth below, and declare the following to be true and correct pursuant to 28 U.S.C. Section 1746:

1. Joseph Kay, a defendant in this action, is my father.
2. I understand that Plaintiffs, in response to a motion to dismiss this case, have questioned whether I would consent to appear to give testimony in legal proceedings in Tbilisi, Georgia, commenced by my father involving the estate of Arkady Patarkatsishvili.
3. I hereby advise that I agree to appear voluntarily to give testimony in the Georgian proceedings, as may be deemed necessary. I note, also, that my father has a home in Tbilisi and my going there for the legal proceedings is not significantly inconvenient for me.

I DECLARE under penalty of perjury under the laws of the United States of America that the contents of the foregoing Declaration are true and correct.

12/10/2008
DATE


DAVID KAY